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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,415	05/26/2005	Donald Michael Charles	3029-000094	3938

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EXAMINER	
ABEBE, DANIEL DEMELASH	
ART UNIT	**PAPER NUMBER**
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,415	CHARLES ET AL.	
	Examiner	Art Unit	
	Daniel D. Abebe	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The computer program code, as claimed, is directed to the non statutory functional descriptive material type that does not fall within patent eligible subject matters recited under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-9 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg (6,122,612).

As to claim 16, Goldberg teaches an information processing system for recognizing a spoken identification sequence including one or more different types of

identifiers, the spoken identifier having one of a plurality of possible predefined identifier type of formats, the system including;

At least one database if identification sequences having at least one predefined identifier formats (35);

A speech recognition system operatively connected to the at least one of the database including a processing unit and associated memory for storing computer program code for causing the processing unit to perform the steps of (30, 40):

Receiving one of the plurality of possible predefined identifier format selected by a caller (provided by the user) (Fig.2, 200);

Determining if the selected/provided identifier format match the predetermined identifier format in the database (210);

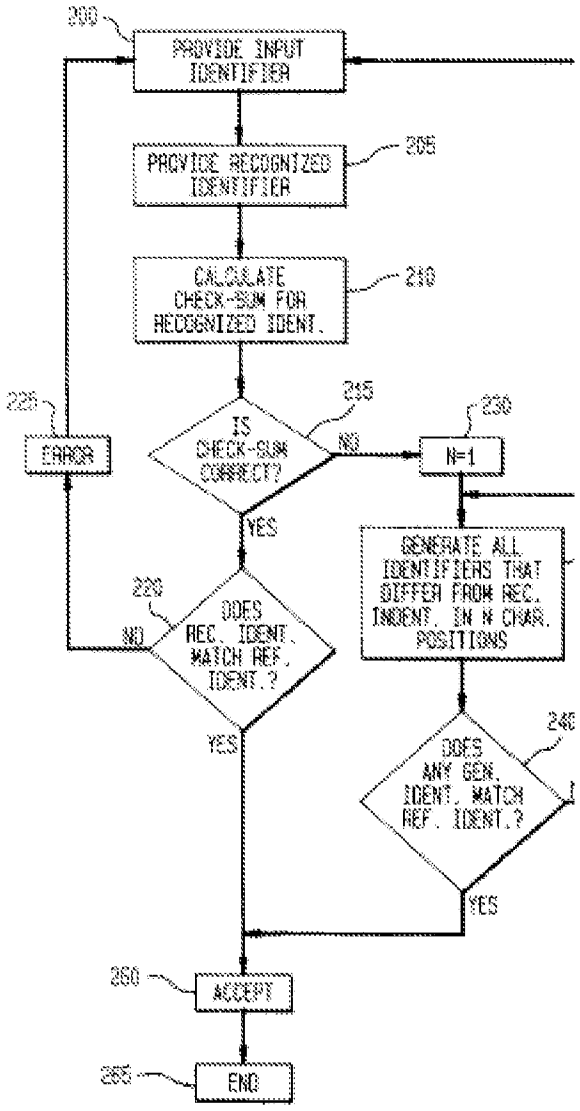
If the speech recognition system determines that the selected identifier type format matches to the identifier format analyzing the spoken identification sequence provided to the speech recognition means by the caller according to the identifier type format (Figs. 1-3; Col.4, lines 5-58).

More particularly Goldberg teaches where

a user accesses the system by speaking a particular identifier of a first type into device 10. **Using a recognized identifier that is based on the voice signal provided by the user, the system 100 then performs a check-sum operation on the recognized identifier to determine whether the input identifier provided by the user was correctly recognized**. If the check-sum operation confirms that the recognized identifier was in fact correctly recognized, the system 100 **compares the**

correctly recognized identifier to the reference identifiers maintained in reference identifier database 35 (based on the user provided identifier format) **.** If the recognized identifier matches one of the reference identifier, the system selects the matched reference identifier as corresponding to the input identifier (Col.5, lines 5-15).

FIG. 2



As to claim 17, Goldberg teaches a speech recognition system forming part of an information processing system for recognizing a spoken identification sequence including one or more different types of identifiers, the spoken identifier having one of a plurality of possible predefined identifier type of formats, the system including;

At least one database if identification sequences having at least one predefined identifier formats;

A speech recognition system operatively connected to the at least one of the database including a processing unit and associated memory for storing computer program code for causing the processing unit to perform the steps of (30, 40):

Receiving one of the plurality of possible predefined identifier format selected by a caller (provided by the user) (Fig.2, 200);

Determining if the selected/provided identifier format match the predetermined identifier format in the database (210);

If the speech recognition system determines that the selected identifier type format matches to the identifier format analyzing the spoken identification sequence provided to the speech recognition means by the caller according to the identifier type format (Figs. 1-3; Col.4, lines 5-58).

As to claim 18, Goldberg teaches wherein the voice recognition system further comprises computer program for performing the steps (Figs.1-3)

As to claim 1, Goldberg teaches a method for recognizing a spoken identification sequence including one or more different types of identifiers, the spoken identifier having one of a plurality of possible predefined identifier type of formats, the system including;

At least one database if identification sequences having at least one predefined identifier formats (35);

A speech recognition system operatively connected to the at least one of the database including a processing unit and associated memory for storing computer program code for causing the processing unit to perform the steps of (30, 40):

Receiving one of the plurality of possible predefined identifier format selected by a caller (provided by the user) (Fig.2, 200);

Determining if the selected/provided identifier format match the predetermined identifier format in the database (210);

If the speech recognition system determines that the selected identifier type format matches to the identifier format analyzing the spoken identification sequence provided to the speech recognition means by the caller according to the identifier type format (Figs. 1-3;; Col.4, lines 5-58).

As to claim 2, Goldberg teaches wherein one type of the identifier provided by the caller includes letters (Col.4, lines 5-58).

As to claim 3, Goldberg teaches wherein one type of the identifier provided by the caller includes numbers (Col.4, lines 5-58).

As to claim 4, Goldberg teaches wherein one type of the identifier provided by the caller includes alphanumeric characters (Col.4, lines 5-58).

As to claim 7, the method as taught by Goldberg further includes where the system may also use telephone for the user to enter the characters of the identifier formats by manipulating an appropriate set of keys on a telephone handset (Col.3, lines 40-50; Col.4, lines 60-65).

As to claims 8, reciting what the system is applied for (pass purchasing) is “an intended use” and doesn’t have patentable weight as Goldberg system could also be used for purchasing various items through the ‘credit card transaction’ using the system including a pass for toll road.

As to claim 15, Goldberg teaches where the user establishes a connection to the speech recognition system and providing a spoken identification sequences which is recognized as corresponding to one of the predefined type formats (Fig.2-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg as applied to the claims above, and further in view of Chalk et al. (2003/0154075).

As to claims 5-6, 10-14 Goldberg doesn't explicitly teach where in the identification sequence is a vehicle license number. Chalk however teaches an information processing system comprising a speech recognition system for identifying alphanumeric sequences provided by a caller, wherein the provided sequences comprise vehicle license number and providing service based on the identified license number (Par.0028) and it would have been obvious to one of ordinary skill in the art to combine the two arts as Goldberg discloses that the system is utilized for multiple applications and is not limited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626